

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, SEPTEMBER 20, 2004 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

- ITEM-30: Charles G. Abdelnour Day.  
MAYOR MURPHY’S RECOMMENDATION: Adopt the resolution.
- ITEM-31: Joyce Summer Day.  
COUNCILMEMBER ZUCCHET’S RECOMMENDATION: Adopt the resolution.
- ITEM-32: AIDS Walk San Diego 15<sup>th</sup> Anniversary Day.  
DEPUTY MAYOR ATKINS’ RECOMMENDATION: Adopt the resolution.

### **NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Monday, September 20, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. Special Closed Session may continue into Tuesday, September 21, 2004.**

The Special Closed Session Agenda is separately available in the Office of the City Clerk and it is also posted at the same locations as the Open Session Agenda, including the City Internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

### **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50: Exception for Trolley Structure from Underground District Requirements.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 9/7/2004, Item 55.
- ITEM-100: Two actions related to Awarding a Contract to Jaynes Corporation of California for the Construction of Serra Mesa/Kearny Mesa Branch Library. (Serra Mesa Community Area. District-6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-101: Agreement with Costa Verde Developers, LLC, for the Installation of a Traffic Signal and Street Lighting System at Edmonton Avenue and Governor Drive. (University City Community Area. District-1.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Grant Application to the State of California for Rancho Bernardo Community Park Dog Off Leash Area. (Rancho Bernardo Community Area. District-5.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Appointment and Reappointments to the Commission for Arts and Culture.  
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Harold Cohen Day.  
COUNCILMEMBER ZUCCHET'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Mental Health Association in San Diego County and A New Path's "It Takes a Community... Gala" Day.  
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-106: Richard McClees Day.  
DEPUTY MAYOR ATKINS' AND COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-108: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-109: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Grant Application to the State of California Department of Transportation (DOT) for Euclid Avenue Walkable Communities Environmental Justice Grant Project. (Mid-City and City Heights Community Areas. Districts-3 and 7.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notice

ITEM-250:           **Notice** of Completion and Acceptance of Subdivision Improvement Agreement - Remington Hills Unit No. 1 and Remington Hills Unit No. 2.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

SPECIAL ORDERS OF BUSINESS

ITEM-30: Charles G. Abdelnour Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-272)

Recognizing Charles G. Abdelnour for his thirty years of dedicated service to the City of San Diego and for his exemplary commitment to the citizens of San Diego;

Proclaiming September 20, 2004, to be "Charles G. Abdelnour Day" in the City of San Diego.

ITEM-31: Joyce Summer Day.

**COUNCILMEMBER ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-233)

Recognizing the accomplishments of Joyce Summer in improving the City of San Diego;

Proclaiming September 20, 2004, to be "Joyce Summer Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: AIDS Walk San Diego 15<sup>th</sup> Anniversary Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1393)

Commending the staff, board members, volunteers, sponsors, and participants of AIDS Walk San Diego for their outstanding service, leadership, commitment, and generosity to those living with HIV/AIDS, and encouraging all San Diegans to participate in AIDS Walk San Diego by volunteering, walking, running, or making a donation;

Proclaiming September 26, 2004, to be "AIDS Walk San Diego 15<sup>th</sup> Anniversary Day" in the City of San Diego.



### **NON-AGENDA PUBLIC COMMENT**

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#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 50.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, and 110.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:

\* ITEM-50: Exception for Trolley Structure from Underground District Requirements.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance, which was introduced on 9/7/2004, Item 55. (Council  
voted 7-0. Councilmember Inzunza not present. Councilmember District 4-vacant):

(O-2005-32)

Amending Chapter 6, Article 1, Division 5, of the San Diego Municipal Code by  
amending Section 61.0505, relating to exceptions from the Underground Utilities  
Procedural Ordinance.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Two actions related to Awarding a Contract to Jaynes Corporation of California for the Construction of Serra Mesa/Kearny Mesa Branch Library.

(Serra Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-264)

Approving the plans and specifications for the construction of the Serra Mesa/Kearny Mesa Branch Library (Project);

Authorizing the City Manager, after advertising for bid in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder, Jaynes Corporation of California, in an amount not to exceed \$5,031,906 for Phase 1 and \$1,350,000 for Phase 2, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the increase of \$3,956,000 for the Fiscal Year 2005 CIP Budget, CIP-35-089.0, Serra Mesa/Kearny Mesa Branch Library, of which \$3.8 million is from Kearny Mesa DIF 18, Fund 79530, and \$156,000 is from Serra Mesa Branch Library Fund, Fund 67029, contingent upon the City Auditor and Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate \$2,600,000 from Kearny Mesa DIF 18, Fund No. 79530, to CIP-35-089.0, Serra Mesa/Kearny Mesa Branch Library;

Authorizing the City Auditor and Comptroller to appropriate \$156,000 from Serra Mesa Branch Library Fund, Fund No. 67029, to CIP-35-089.0, Serra Mesa/Kearny Mesa Branch Library;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

Authorizing the City Auditor and Comptroller to appropriate an additional \$1,200,000 from Kearny Mesa DIF 18, Fund No. 79530, into CIP-35-089.0 Serra Mesa/Kearny Mesa Branch Library, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$8,311,274 from CIP-35-089.0, Serra Mesa/Kearny Mesa Branch Library, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2005-265)

Stating for the record that the information contained in the final Mitigated Negative Declaration, LDR No. 99-0825, including any comments received during the public review process, has been previously reviewed and considered by the City of San Diego Hearing Officer and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the construction of the Serra Mesa/Kearny Mesa Branch Library (Project);

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The new Serra Mesa/Kearny Mesa Branch Library provides for a new 15,000 square foot Library on City-owned property located at 9005 Aero Drive in the Serra Mesa Community planning area to serve the Serra Mesa and Kearny Mesa communities. The existing library is small and inadequate to provide the necessary library services for these growing areas. The new library will provide a computer lab, meeting room facilities, adequate parking, children's area and quiet study areas.

On July 13, 2004, five bids were received and opened for the construction of the Serra Mesa/Kearny Mesa Branch Library. The lowest responsible bidder is Jaynes Corporation of California with a bid amount of \$6,381,906. This action requires authorization of the necessary funding and award of contract to Jaynes for construction of the new Serra Mesa/Kearny Mesa Branch Library.

Additionally, on July 19, 2004, the First Five Commission of San Diego awarded the project up to \$1,000,000. This funding will require that prevailing wages are paid for construction. Staff will return to City Council this fall to execute the agreement with the Commission and seek the necessary authorizations for the expenditure of funds and necessary contract changes with our contractor.

**FISCAL IMPACT:**

The total cost of this project is \$9,946,500 of which \$635,226 has been previously authorized. \$7,746,500 is available for Phase I construction. \$2,200,000 will be transferred into the project for Phase II when funds become available, \$1,200,000 from Kearny Mesa DIF 18 Fund No. 79530 and \$1,000,000 from the First Five Commission.

Mendes/Boekamp/AO

Aud. Cert. 2500246.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-101: Agreement with Costa Verde Developers, LLC, for the Installation of a Traffic Signal and Street Lighting System at Edmonton Avenue and Governor Drive.

(University City Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-221)

Authorizing the City Manager to execute an agreement with Costa Verde Developers, LLC (Developer), for the installation of a traffic signal and street lighting system at Edmonton Avenue and Governor Drive (Project), under the terms and conditions set forth in the Agreement;

Authorizing an increase of \$110,000 to the Fiscal Year 2005 CIP budget in CIP-62-290.0, Modernize/Modify Traffic Signals – DIF Funded, for the purpose of construction engineering for the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend \$110,000 in cash and in-kind donations, from Fund 63022, deposit and services by Developer, to cover the City's cost of field inspections and construction management services, as well as construction costs for the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This project will install a new traffic signal at the intersection of Governor Drive and Edmonton Avenue. The estimated cost of the entire project is \$130,000.

The plans and specifications for this project were prepared by city staff and are ready to forward to Costa Verde Developers, LLC who have agreed to construct the traffic signal at no cost to the City as described in the agreement. The agreement requires Costa Verde Developers, LLC to deposit \$15,000 to cover the City's cost of field inspections and construction management services. Any remaining funds will be returned to Costa Verde Developers, LLC at the completion of the project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**FISCAL IMPACT:**

The total estimated cost of the project is \$130,000. Design cost of the project was approximately \$20,000 and was funded under CIP-62-290.0, Modernize/Modify Traffic Signals - DIF Funded, Fund 79528. Construction is estimated to cost \$95,000 and construction engineering is estimated to cost \$15,000. Construction and construction engineering will be funded by Costa Verde Developers, LLC at no cost to the City.

Mendes/Boekamp

Aud. Cert. 2500176.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-102: Grant Application to the State of California for Rancho Bernardo Community Park Dog Off Leash Area.

(Rancho Bernardo Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-250)

Authorizing the City Manager to apply to State of California (SOC) for \$80,000 in Per Capita funds from the Grant Program for the development of approximately three acres of land to be added to the Rancho Bernardo Community Park, consisting of a pedestrian plaza that will feature benches, a drinking fountain, landscaping, twenty-right new parking spaces, and access to three new fenced dog areas which will feature turf, shade trees, benches, and drinking fountains for the dogs, plus a new accessible concrete walkway linking the pedestrian plaza/dog areas to the existing parking lot and a new drain system to conform to the Storm Water Pollution Prevention Act (Project);

Authorizing the City Manager to take all necessary actions to secure the grant for the Project, and to negotiate and execute all agreements necessary to comply with the SOC's grant requirements;

Authorizing the City Manager to accept the Grant if it is secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing fund for the Grant;

Authorizing an increase of \$80,000 to the Fiscal Year 2005 Capital Improvement Program Budget, CIP-29-598.0, Rancho Bernardo Community Park Dog Off Leash Area, 2000 California Park Bond (Prop 12), upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$80,000 from CIP-29-598.0, Rancho Bernardo Community Park Dog Off Leash Area, 2000 California Park Bond (Prop 12), for the design and construction of the Rancho Bernardo Community Park Dog Off Leash Area, upon receipt of a fully executed grant agreement;

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

**\* ITEM-102: (Continued)**

Authorizing the City Auditor and Comptroller to transfer \$50,000 from Rancho Bernardo Special Park Fees Fund, Fund No. 39086, to CIP-29-598.0, Rancho Bernardo Community Park Dog Off Leash Area;

Authorizing an increase of \$50,000 to the Fiscal Year 2005 Capital Improvement Program Budget, CIP-29-598.0. Rancho Bernardo Community Park Dog Off Leash Area, Fund No. 39086, Rancho Bernardo Special Park Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$50,000 from CIP-29-598.0, Rancho Bernardo Community Park Dog Off Leash Area, Fund No. 39086, Rancho Bernardo Special Park Fees, for the design and construction of the Rancho Bernardo Community Park Dog Off Leash Area;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Rancho Bernardo Community Park Dog Off-Leash is a Capital Improvement Project for the Rancho Bernardo community. This project includes the purchase and development of approximately three acres of land that will be added to the existing acreage of the Rancho Bernardo Community Park. Within the new three acres will be a pedestrian plaza that will feature benches, a drinking fountain, landscaping, 28 new parking spaces and access to three new fenced dog areas. The existing disabled parking spaces and ramps will be upgraded to meet current ADA guidelines. In addition, a new drain system will be installed to conform to the Storm Water Pollution Prevention Act. The dog areas will feature turf, shade trees, benches and drinking fountains for the dogs. A new accessible concrete walkway will link the pedestrian plaza/dog areas to the existing parking lot.

A portion of the funds for design have been previously authorized. The City manager is therefore requesting the final funds be authorized to construct the project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**FISCAL IMPACT:**

The total project cost is \$890,000 of which \$760,000 has been previously authorized. The remaining \$130,000 is available, \$80,000 in grant funds, appropriated by the State of California as part of the Council District 5 allocation of the City of San Diego's population based allocation from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 Program (Prop 12) and \$50,000 from Rancho Bernardo Special Park Fees to CIP-29-598.0, Fund #39086.

Herring/Oppenheim/AP

Aud. Cert. 2500247.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Appointment and Reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Murphy dated 9/7/2004.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-249 Cor. Copy)

Council confirmation of the following appointment and reappointments by the Mayor, to serve as members of the Commission for Arts and Culture, for terms ending as indicated:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Bennett Peji (replacing Barbara Finn-Pressley, who resigned)	August 31, 2006
Dorothy Annette (reappointment)	August 31, 2006
Steven L. Miller (reappointment)	August 31, 2006
Randy S. Robbins (reappointment)	August 31, 2006
Calvin Woo (reappointment)	August 31, 2006

Declaring that Vivian Reznik, who has served on the Commission since 1997 and currently is the chair, will continue to serve as chair until a successor is appointed and confirmed.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: Harold Cohen Day.

**COUNCILMEMBER ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-213)

Commending and thanking Harold Cohen for his dedication, invaluable contributions, and service to the art community and the City of San Diego;

Proclaiming August 14, 2004, to be "Harold Cohen Day" in the City of San Diego.

\* ITEM-105: Mental Health Association in San Diego County and A New Path's "It Takes a Community... Gala" Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-266)

Commending the Mental Health Association in San Diego County and A New Path for their outstanding service, leadership, and commitment in the fight to improve the lives of individuals dealing with mental illness and the disease of addiction;

Proclaiming September 11, 2004, to be "Mental Health Association in San Diego County and A New Path's 'It Takes a Community... Gala' Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: Richard McClees Day.

**DEPUTY MAYOR ATKINS' AND COUNCILMEMBER FRYE'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2005-269)

Congratulating Richard McClees on his receipt of the 2004 John S. Lyons Labor Leader of the Year Award, and recognizing his outstanding contributions to the enhancement of the quality of life of working men and women in San Diego;

Proclaiming September 11, 2004, to be "Richard McClees Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-107: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1248)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM-108: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-45)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-109: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-103)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- \* ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1235)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.



**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTION:**

ITEM-200: Grant Application to the State of California Department of Transportation (DOT) for Euclid Avenue Walkable Communities Environmental Justice Grant Project.

(Mid-City and City Heights Community Areas. Districts-3 and 7.)

(Continued from the meeting of September 7, 2004, Item 106, at the request of Councilmember Atkins, for additional time to meet with staff and committees to explain the grant.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-179 Cor. Copy 2)

Authorizing the City Manager to apply to the State of California Department of Transportation (DOT) for a Grant for funding of the Euclid Avenue Walkable Communities Environmental Justice Grant Project;

Authorizing the City Manager to take all necessary actions to secure and accept Grant funds from DOT for development of the Project, and is authorized to submit all documents and to negotiate and execute all agreements necessary, including any amendments, to comply with DOT's Grant requirements, or to carry out and administer all obligation, responsibilities, and duties under the Grant;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Program budget to reflect an increase of \$162,000 from DOT funds, upon receipt of a fully executed Grant agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$180,000 from CIP-52-699.1, Euclid Avenue Improvements, of which \$162,000 is from State DOT funds under the Grant, upon receipt of a fully executed Grant agreement, and \$18,000 is from Fund No. 30300 for the Project and related expenses;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$18,000 from Fund No. 30300, CIP-52-715.0, New Walkways, to CIP-52.699.1, Euclid Avenue Improvements;

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

**\* ITEM-200: (Continued)**

Authorizing the City Auditor and Comptroller to appropriate and expend Grant funds in an amount not to exceed \$162,000 for the Project, if the Grant is secured;

Authorizing and directing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant, if secured.

**CITY MANAGER SUPPORTING INFORMATION:**

In November 2001, the City of San Diego submitted an application for an Environmental Justice grant to the California Department of Transportation for the creation of a comprehensive pedestrian and transportation-oriented master plan along Euclid Avenue from Home Avenue to El Cajon Boulevard.

Euclid Avenue is one of only two north/south streets through the community of City Heights. As the only continuous artery through an urban canyon system, Euclid Avenue is a heavily utilized transportation corridor that must serve the needs of pedestrian, bicycle and vehicle traffic. Presently pedestrians are not well served by the infrastructure in the area. Due in part to inadequate transportation/land use planning, this area has experienced serious environmental justice problems. The absence of sidewalks and limited opportunities for pedestrian crossing, coupled with the speed and volume of traffic, create difficult conditions for pedestrians, drivers, and bicyclists. Grant funds were requested to hire a consultant to conduct community-based transportation planning studies as part of a larger community visioning process that would help identify ways to remedy environmental justice issues in the area.

In May 2004, the State DOT awarded \$162,000 in grant funding toward the \$180,000 Euclid Avenue Walkable Communities Grant request. The 10% match, or \$18,000, would constitute the balance of the total and would be paid with TransNet funds allocated to the project. Council authorization is requested to authorize the original submittal of the grant as well as to authorize the City Manager to accept, expend and administer grant funds.

**FISCAL IMPACT:**

The City would receive \$162,000 in environmental justice funds. The required 10% match, or \$18,000, would be available from Fund No. 30300.

Ewell/Goldberg/LBE

Aud. Cert. 2500132.

**PUBLIC NOTICE:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.**

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

**SUBDIVISION**

**COMMUNITY AREA**

Remington Hills Unit No. 1

Otay Mesa

Remington Hills Unit No. 2

Otay Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**